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EXAMINER	
PERRY, LINDA C	

ART UNIT	PAPER NUMBER
3695	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No.	Applicant(s)	
	10/762,466	LORTSCHER, FRANK DUANE	
	Examiner	Art Unit	
	LINDA PERRY	3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-77* is/are pending in the application.

4a) Of the above claim(s) *1-43,45,51,52 and 55-64* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44, 46-50, 53-54, 65-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Examiner thanks Applicants for indicating where in the specification support may be found for the amendments. However, they are wrong. For one example claim 67 is not supported and even contradicts both ¶ [0063] and simple logic, which says the user's own transaction data will be available to him. (And, as well, it means some kind of filter on the user to prevent professionals with access to third-party data {see ¶ [0044]} by other means from using the system). Please also see MIllard 2002007335 at ¶ [0034] –[0035] on Instinet: "Member may submit a firm offer at a stated price….this information *minus the submitter's identity* is displayed to all Members….ECNs can apply to be regulated as an exchange, or may be regulated as a broker-dealer operated alternative trading system ("ATS").

However, the interview Summary is recorded immediately and represents Examiners' recording of the interview.

Examiner notes that the Applicants have improperly amended their claims to the previously restricted out group III and added matter from groups I and II claims also restricted out. Examiner could have used election by original presentation, examining none of those claims at all.

Claim Objections

2. Claims 53, 65, and 72 are objected to because of the following informalities:

Claim 53 cites a criteri**a**.

Claims 65 and 72 appear to mean the same.. Claim 65 also says "set for at least **one the party**".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 44 -77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In general, third-party data, which represents the bulk off data on executed transactions, is not available with the identification of the buyer or seller, so the party to the transaction of claim 44 must be a very broad interpretation in practice of "party to the trade" such as exchange on which the security is traded.

Claim 44 cites "transaction type" with no further information. A settlement is a transaction type, as is a buy order or a transaction for a security in one industry. Further information in claim 71 might well be incorporated in claim 44 (".. the transaction type is one of…", for example). Data "**relating to**" [security or security name, price, etc.], appearing three times, and "recommendation **relating to**", are vague and indefinite. "the

transaction data" is without antecedent; thus the entire phrase "the transaction data for each securities transaction including data elating to a security name, object price of the securities transaction, a size of the securities transaction, a type of the securities transaction and an identification of a party to the executed securities transaction" has no apparent function in the claim at all. The price of a transaction, furthermore, could well be interpreted as the price one pays to execute the transaction, i.e. brokers' fees. "**based on** a measured level of expertise" is vague , and how to measure the level of expertise is entirely undefined-the "definition' of ¶ [0036] is not helpful since it assumes the rest of the application as yet unread and also since it does not measure expertise at all, but assesses it from aggregation. That is not a measurement. Thus, the measured level of expertise is undefined. The final limitation leaves open to debate whether it is the recommendation which is relevant to the proposed transaction, or whether it is the transaction data, or the executed transactions. "the securities transaction proposal data" is without proper antecedent. Examiner is not certain that the same concept is meant by that description as the concept described as "data relating to the proposed securities transaction". . The first limitation specifies receiving historical data at "a first computer". There is no second or other computer cited. Furthermore, where the "data relating to a proposed transaction" is received, where the determination is done, and where the recommendation is generated (at a central trading platform so it is available to all, in which case, who chooses what security to examine?- locally at one client's computer who is specifying which security and wants a recommendation not to be shared?) is questionable. As to the method itself, the only basis of "relevance" of

transactions is “a measured level of expertise of the identified party”. How this is measured is not stated at all. This would appear to identify “relevant” transactions which are weighted; why one weights the transactions when the only criterion is apparently one party’s expertise (or does the claim mean one finds numerous parties and weights each set of transactions for them? Are the weights different for different securities each person buys? How and why?). The “aggregating the data” used in generating the recommendation can be done in so many ways that the method for recommendation generation may be said to be undefined. And when one is finished with this method, if one has identified a person buying 20 securities in the last 5 minutes, how does one make one recommendation about one security based on one criterion? If the claim means that one finds N parties and weights each party’s transactions, how does one decide how long to collect data and how to make one recommendation when each of he N parties are transacting in M different securities? Figure 5 appears to begin by retrieving transactions not at all related by "a measured level of expertise". Figure 6 calculates “user skill level from profile” with no clue as to what is in the profile. Figure 8 just says calculate, no information given. What figure 9 begins with and what it does with it is unspecified. Figure 9B says “sum all values and divide by the number of records to calculate overall expertise rating”. Unfortunately, there is no clue as to what “values” are being summed. The meaning and scope of the claim are unclear.

Claim 46 cites weighting “**based on a similarity**”. “Based on” is vague, and how similarity is measured is entirely undefined. Similar comments concerning “based on”

apply to claims 47, 48, 49, 65, 66, 70, and 72-77. The meaning and scope of the claims are unclear.

Claim 44 only receives historical transaction data **relating to** executed transactions; claims 48 onwards weight executed transactions but one does not *have* the transactions, one only has data related to the executed transactions, something very different indeed. The data might be, for example, what exchange they were executed on or the time of day the transaction occurred [which data others have used to generate indicators available to the public], or was even contemplated, or volume for the entire market that day, so vague is "data related to".

Claim 50 seems to create the order on receipt of the data. Since claim 44 is unclear, this may be read as "create an order without looking at historical data or recommendation at all", apparently short-circuiting the process. The meaning and scope of the claim are unclear.

Claim 53, having no information about the criteria is virtually meaningless. Similar comments apply to claim 69 and "indicator ".

Claim 54 does not compare the indicator to a threshold but the recommendation-how is unclear.

Concerning claim 73, "*relative demonstrated ability of the party to the executed securities transaction"* makes no sense. "the competence indicator" is without antecedent since there went before "said competence indicator".

In claim 74,"indicator i**ndicating** relative aggressiveness" is vague and indefinite, and aggressiveness of a trade or a trader can mean several things (size, price

improvement, speed of liquidation of a block, personality of the trader etc.)-and, worse, the term is used in the "definition" at ¶ [0034] as "user's relative aggressiveness associated with a trade" –relative to what? Again, "associated with" is vague and indefinite also.

The specification uses "relative" in multiple places especially in the "definitions" starting at ¶ [0030] where the word makes no sense, thus invalidating these "definitions" as definitions Examiner believes that the use of relative is a vague indication of some kind of relationship, but relationship of what to what is not stated; thus one might guess that Applicants meant by, for example, "user's relative aggressiveness associated with one or more transactions" an aggressiveness exhibited on one transaction not exhibited on the next the user begins, but then again, the relationship meant might have been user's aggressiveness compared to aggressiveness of some other user or of the average user of the system (when- today, this month, this year, ever? Including users not trading during this day, month, year?) or of the market; thus all the "definitions" using "relative" are not proper definitions and define nothing, leaving all the claims using "confidence"", "conviction", "competence", "expertise", as interpretable by their ordinary meaning except for what is specifically in the claim..

Continuing with claim 74, "the confidence indicator:" is without antecedent, since e prior to that we had "the said confidence indicator". . "transaction data **sharing** a common security" is open to being interpreted as including multi-leg transactions, and that in turn opens the question of how all the various measures, indicators and weights etc, of the claims might be applied or even defined for such transactions.

In claim 75, “said conviction indicator” is without antecedent .However Examiner notes that use of “said” is to be encouraged. The later “the conviction indicator” is also without antecedent, and both are entirely unexplained.

Claims 76 and 77 again “aggregate[e]” the data in an undefined way. How the various weighting schemes can be useful, in the absence of disclosure of the method of aggregating, is questionable.

Examiner must use patent examination to make claims precise, clear, and unambiguous; please see MPEP §2106: II C.:”(claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”). These claims are so unclear and imprecise as to how the method for generating a securities transaction recommendation is actually done that it is nearly impossible to make a meaningful search.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 44, 50, 66, 70, 71, 73-75, and 77 are rejected under 35 U.S.C. 103(a) as obvious over Lupien et al. (5101353 hereinafter Lupien), and further in view of Kane (6317728).

Regarding claim 44, Lupien teaches

44. (Currently Amended) A computer-implemented method (see at least **Abstract)** *for generating a securities transaction recommendation to participants in a financial trading system, comprising steps of:*

at a first computer, (see at least **figure 1)** *receiving historical transaction data relating to a plurality of executed securities transactions*(see at least **column 4 lines 32-41)**, *over an electronic data network,* (see at least **column 11 lines 11-37**) *the transaction data for each securities transaction including data relating to an object a security name, price of the securities transaction, a size of the securities transaction, a type of the securities transaction,* (see at least **Figures 5 and 6, column 8 line 33-column 9 line 33**), *and ~~at least one transaction entity identifying~~ an identification of a party to the executed securities transaction* (see at least **column 6 lines 6-11**)*;*

receiving data relating to a proposed securities transaction, the ~~proposed~~ securities transaction proposal data including ~~proposed object~~ security name, price, transaction

size, transaction type and ~~at least one transaction entity identifying a party to the proposed transaction~~ an identification of a party proposing the proposed securities transaction (see at least **Figure 2, column 7 lines 15-column 8 line 18, column 8 lines 65-68, column 16 lines 21-23, column 17 line 4**)*;*

determining which executed securities transactions of said transaction data are relevant to said proposed securities transaction (see at least **column 4 lines 32-41, column 5 line 7-17**)*.*

Although Lupien teaches generating a recommendation, it does not teach basing it on transactions deemed to be relevant based on expertise.

Kane teaches *generating a recommendation relating to said proposed securities transaction based on said transaction data of the executed securities transactions determined to be relevant to the proposed securities transaction, wherein said recommendation is generated by weighting each securities transaction of said securities transactions determined to be relevant based on at least a measured level of expertise of the identified party associated with the executed securities transaction, and aggregating the weighted data* (see at least **column 2 line 64-column 3 line 20, column 5 line 45-column 6 line 4, column 8 lines 35-49, column 13 line 55**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by Lupien the weighting by expertise as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable. (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

Regarding claim 50, Lupien teaches -*creating an order* *to trade a security within an electronic trading system[[,]]* *based on* *said proposed transaction* ~~*being based on said market order.*~~(see at least **column 9 lines 16-20**).

Regarding claim 66, Lupien does not teach it.

Kane teaches it at column 5 lines 60-62.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by Lupien the negative weight as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 70, Lupien does not specifically teach multiple entity records.

Kane teaches *further weighting each securities transaction of said relevant executed securities based on an executed securities transaction by a second transaction entity* (see at least **column 13 lines 54-55**)..

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include in the method as taught by Lupien the multiple agents as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 71, Lupien teaches it at figure 2.

Regarding claim 73, Lupien does not teach a competence indicator. Kane teaches evaluating each trade and rewarding or punishing a trader generating the competence indicator) at column 13 lines 51-55. The cumulative merit quotient so accumulated is used to control the power is subsequent voting which determines the recommendations made.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by Lupien the indicator as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 74, it is rejected using the same art and rationales used to reject claim 66 concerning size of a transaction.

Regarding claim 75, Lupien does not teach it.

Kane teaches it at column 5 lines 45-49.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by Lupien the "conviction indicator" as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 77, Lupien does not teach it.

Kane teaches it at column 5 lines 35-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by Lupien the common security as taught by Kane to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

5. Claim 46, 49, 53, 54, 62, 65, 69, 72 are rejected, under 35 U.S.C. 103(a) as obvious over Lupien et al. (5101353 hereinafter Lupien), and further in view of Kane (6317728), and further in view of Bigus (6401080).

Regarding claim 46, neither Lupien nor Kane teaches it, but as seen, Kane teaches aggregating the data.

Bigus teaches weighting by similarity of type at **column 18 lines 37-52, column 21 lines 34-47**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by the combination of Lupien and Kane the weighting by similarity as taught by Bigus to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 49, neither Lupien nor Kane teaches it, but as seen, Kane teaches aggregating the data.

Bigus teaches weighting based on recency (proximity in time to desired transaction) at column 18 lines 37-52, column 21 lines 45-51

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by the combination of Lupien and Kane the weighting by time as taught by Bigus to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 53, neither Lupien nor Kane teaches it

Bigus teaches executing if a criterion is met (see at least **column 17 lines 50-56**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane the criterion as taught by Bigus to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 54, neither Lupien nor Kane teaches all of it, but as seen, Kane teaches aggregating the data and *recommendation generated comprises a numeric indicator* (see at least **column 21 lines 63-67**) but neither Lupien nor Kane teaches the execution based on a comparison.

Bigus teaches it at and claims 20-23.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane the execution as taught by Bigus to realize the claimed invention

since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 69, neither Lupien nor Kane teaches it, but as seen, Kane teaches aggregating the data.

Bigus teaches indication of confidence (see at least **column 23 lines 52-62**)..

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method as taught by the combination of Lupien and Kane the confidence as taught by Bigus to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claims 65 and 72, Lupien teaches analyzes decisions in relationship to portfolio objectives (claim 7), and Bigus as already seen teaches weighting by proximity of a characteristic **column 21 lines 34-47**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane the weighting as taught by Bigus to realize the claimed invention

since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. Claims 47 and 66 are rejected under 35 U.S.C. 103(a) as obvious over Lupien et al. (5101353 hereinafter Lupien), and further in view of Kane (6317728), and further in view of Muralidhar et al. (US20030093352 hereinafter Muralidhar).

Regarding claim 47 and 66, neither Lupien nor Kane teaches it, but as seen, Bigus teaches aggregating the data and weighting by similarity of a characteristic in general, as already seen.

Muralidhar teaches weighting by trade size constraints imposed on a rule, constraints include trade size, rule has coefficient which weights contribution to strategy investor can impose constraint on aggregate strategy (see at last **¶ [0065]**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane the weighting as taught by Muralidhar to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. Claim 48 is rejected under 35 U.S.C. 103(a) as obvious over Lupien et al. (5101353 hereinafter Lupien), and further in view of Kane (6317728), and further in view of Ricciardi (US20020059126).

Regarding claim 48, neither Lupien nor Kane teaches it, but as seen, Bigus teaches aggregating the data and weighting by similarity of a characteristic in general, as already seen.

Ricciardi teaches weighting by industry, where use is made of past volatility risk model as 'data related to executed transactions' of claim 44.(see at least **¶ [0020]**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane the weighting as taught by Ricciardi to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

8. Claim 67 is rejected under 35 U.S.C. 103(a) as obvious over Lupien et al. (5101353 hereinafter Lupien), and further in view of Kane (6317728), and further in view of Official Notice.

Regarding claim 67, neither Lupien nor Kane teaches it.

Official notice is taken that confidentiality of data for a supplier of services concerning that data is old and well-known.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method including objectives as taught by the combination of Lupien and Kane confidential data as taught by Official Notice to realize the claimed invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 76 is rejected based on the same art and rationales used to reject claims 44, and 46-49.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barra's 1995 newsletter explains that the concept that winners repeat is obvious and popular and has spawned an entire mini-industry devoted to documenting past winners.

10 .Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDA PERRY whose telephone number is (571)270-1466. The examiner can normally be reached on M-F 8-5 alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571 272 6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDA PERRY/
Examiner, Art Unit 3695
16 April 2009.